

From: efduhr1
To: Microsoft ATR
Date: 1/25/02 10:14pm
Subject: Microsoft Settlement

Dear Sir or Madam:

Is the Proposed Final Judgment in the public interest?

There is one problem I see in the III. A. 2. provision barring retaliation toward OEMs "shipping a Personal Computer that (a) includes both a Windows Operating System Product and a non-Microsoft Operating System, or (b) will boot with more than one Operating System". The instance of selling Intel-compatible PCs with only one, non-Microsoft, operating system is not considered; it appears Microsoft could retaliate against OEMs who sold PCs equipped this way. For a settlement in the public interest, let the public buy its PCs equipped with whatever operating system they desire, and without consequence to the vendors, from Microsoft, for providing them.

Now going to III. J. 2. (c), where is the consideration for entities that do not happen to be profit-oriented businesses? Striking internet examples are Apache and Perl, both widely used, both developed by non-profit organizations. Since such an organization would have to meet "standards established by Microsoft for certifying the authenticity and viability of its business," Microsoft can deny licenses or access to APIs, communications protocols and documentation, as the Proposed Final Judgment is now written. I don't see that it is in the public interest to exclude the non-profits from the remedies of the PFJ.

Thank you for accepting my comments, under the provision of the Tunney Act.

Edward Duhr 25 Jan 2002
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